(194 9) Department.

SERIES.

G.O. NO. Ms. No.104

[Despatch Abstract.]

Encroachment -Land -(South Kanara)--Mangalore taluk -Iddaya village -S.Nos. 82/A1 G3 and 182/8A -Foreshore lands -Eviction rders passed.

3872E

Honourable K.R.Karanth, B.A., B.L.,
Revenue Minister,
Fort St.George,
Madras.

9 JUL 1946

731
13 Aug

Humble representations of Iddya Padmanabhaya, Suratkal P.C., Mangalore Taluk, South Kanara District.

Dated 1st July 1946.

Ref:- Mangalore Taluk Tahsildar's E.C. 39/54 - South Kanara Collector's D.Dis.No.106-46/4-2-1946; E.Bennett Esq., Commissioner of Land Revenue and Post War Reconstruction B.P. Rt.2295 dated 30-4-1946.

umbly Sheweth,

That petitioner most respectfully begs to represent as follows:-

1. That not to lengthen his story, petitioner begs to submit that the improvements such as cocoanut and other trees, buildings, etc., connected with E.C. No. 39/54 are of more than 25 years standing and petitioner and some others connected with this case are in possession and enjoyment thereof and assessment on the several plots has been annually collected.

2. That though prayed for none of the officers has held local inspection which if done they would have been fully convinced.

3. That so far food, residence and clothing is essential now-a-days, great injustice is felt by the abovesaid orders.

4. That the grant of the several plots was pray for even on site value.

5. The petitioner therefore humbly prays that

a favourable consideration of the above facts and a kind local inspection the Honourable Minister may be graciously pleased to have the plots assessed in the names of the respective persons even on reasonable site value.

For which act of justice and kindness, petitioner shall remain ever grateful.

E P Parmanabhaia
Petitioner

Copy submitted to the Collector of South Kanara.

E P Parmanabhaia

88 Rl

E R 12/9/46
Rehka 25.9.46
12cls

Rev. Dept.
Endl No 3872/F/46 dt 16/7/46
forwarded to the Bd. 7
for report with connected records.

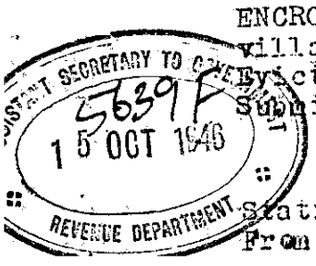
15/7/46 15.7.46

16/7/46

Rev. ✓

Z 18/7

Revenue Department.
Subject.



ENCROACHMENT - Land (South Kanara) - Mangalore Taluk - Iddya village - S.Nos.82/A.1.C.3 and 182/8A (A.W.Foreshore lands) - Eviction - Petition from Sri E. Padmanabhayya - Report Submitted.

***

Ref:B.2925/46-3.

Dated 11/10/46.

Station: Madras.

From

G. Venkateswara Ayyar Esq., O.B.E., I.C.S.,
Secretary, Board of Revenue, Madras.
W. Scott Brown Esq., C.S.I., C.I.E., I.C.S., Commissioner of Land Revenue and Commercial Taxes.

Read:- From the Government of Madras, Revenue Department, Endorsement No.3872-F/46-1 dated 16-7-46
From the Collector of South Kanara, Ref.C.No.7482/46-A.1 dated 20-8-46:-

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Ref:-

Board's Ref.B.2925/46-1 dated 25-7-46.

I solicit a perusal of this office report Ref.C.No.2956/A. 46 dated 9-4-46 in reply to Board's Ref.No.B.861/46-1 dated 9-3-46, regarding the revision petition of the present petitioner and Board's orders B.P.Rt.No.2295-46 dated 30-4-46 thereon. I have nothing to add.

Reference:-

Submitted to the Government with reference to their endorsement cited above.

2. S.Nos.82/A1.C3 and 182/8A of Iddya village, Mangalore taluk are registered as Government Assessed waste (Foreshore lands The petitioner encroached upon the plots by construction of a thatched shed and by planting cocoanut and casuarina trees. The encroachments on the two plots are estimated to be 25 and 18 years old and are valued at Rs.100/- and 25/- respectively.

(a) As the encroachments were situated within a distance of 5 chains from the high water mark of the Arabian Sea, they were prima facie objectionable. But the Revenue Department raised no objection to these as well as to some other occupations in the adjoining plots and the plots were proposed for assignment to the encroachers. The Fisheries Department when consulted in the matter, was not, however, in favour of the proposal, as that would be detrimental to the interests of the fishing community of the village. The Collector found its objections weighty and in his D.Dis.2679/35 dated 9-6-36 ordered to treat the occupatio as objectionable and to deal with them as such under B.Memo. ti they were vacated. In pursuance of the order eviction proceedings were started and the encroacher filed an appeal to the Collector against the order of eviction. The Collector saw no reason to interfere and dismissed the appeal in his D.Dis.4827/37 dated 3-12-37. The encroacher then came up to the Board in revision, but his petition was dismissed in B.P.1702 dated 27-4-38 as it was out of time.

It seems from page 3 of the note file of the Collector file D.Dis.106-46 dated 4-2-46 that the petitioner went to Civil Court and met with no success and that eviction proceedings were reinstituted only after the disposal of the suit. The appeal filed by the encroacher for the second time against the order o eviction was dismissed by the Collector in his D.Dis.106/46 dat 4-2-46. Thereupon he filed a revision petition to the Board

26-2-46. This time the Board considered the petition on its merit but saw no reason to interfere with the Collector's order. It accordingly rejected the petition in its resolution Rt.2295 dated 30-4-46. The present petition to the Government is against the order of the Board.

The petition has alleged no new grounds in his petition The Board submits that it deserves no consideration.

For Secretary.

To the Secretary to the Government, Revenue Department, with records as per list.

List.

The Records of E.C.70/46 and 39/54 of the Taluk office, Managalore nd Huzur Dis.files D.Dis.106/46 and 4827/37 and 2956/46 are enclosed or reference and return.

1. D.Dis.2679/35.
2. B.P.Rt.2295 dated 30-4-46.
3. B.P.Rt.1702 dated 27-4-38.

DN.11.10.

Revenue Deptt.

1

Memo. No. 3872 F/46-2 dated 16-1-47.

Encroachment - Land - (S. Kanara) - Mangalore Tk - Iddya Village - S. Nos 82/1 and 182/8A (A.W. Foreshore lands) - Encroachment - Petition from Sri E. Padmanabhayya

From the Board of Rev. Ref. No. 2925/46-S dated 11-10-46.

Snow rubber 16-1-47

p 3-4 above

p 7 Nf.

The Hon. Minister for Revenue will inspect the place during his next visit to the District. The encroachments may be allowed to stand till final orders are passed on the petition.

11-1-47

16/1/47.

Sd. by Rev. Minister for S. Kanara. 11.1.47

SUBJECT.

Encroachment- Land (S.K) Mangalore Taluk, Iddya village- S.Nos. 82/A1 G 3 and 182/8 A1-A.W.(Forespre lands) Eviction Probable date of inspection- requested.

Ref:B.2925/46-4

STATION: MADRAS. Dated 18-4-4 7.

From

T.M.S. Mani Esqr, O.B.E., I.C.S.,
Secretary, Board of Revenue.

W.SCOTT BROWN Esqr, C.S.I., C.I.E., I.C.S.,
Commr of Land Revenue and Commercial Taxes.

READ: From the Govt. Revenue Dept. Memo No.3872 F/46-2
Dated 16th January 47.
From the Collector of South Kanara Ref;A1 .7882/46
Dated 9-4-47.

REFERENCE:

Submitted to the Government for orders.

r Secretary.

To

The Secretary to Government
Revenue Department.

M.A. 18/4.

21 [No. 3872/46]
29/4.

Issue at owner's return.
29.4.47.

To

The Secretary,
Board of Revenue.

Sir,

Sub:- Encroachment - Land (S. Kanara) -
Mangalore - Iddya Vge - S.Nos.
82/A1. Cs. 3 and 182/8 A1 - N.W (Foreshore
lands) - Eviction -

Ref:- Bd's Refce B.2925/46-4 dt 18.4.47.

Please submit a copy of the Collector's letter Ref. A1.7482/46 dated 9-4-47 referred to in the Bd's reference cited above.

pb above

28.4.47. 28/4/47

29.4.47

POST COPY OF REPLY TELEPHONIC MESSAGE DATED 29TH APRIL 1947.

****

From

The Secretary,
Board of Revenue,
Chepauk, Madras.

To

The Under Secretary to Government,
Revenue Department,
Fort St.George, Madras.

...

Sub:- ENCROACHMENT - Land - South Kanara - Mangalore - S.Nos.82-A1 C.3 and 182-8A-1 - Foreshore lands - Eviction.

Ref:- Your T.M. dated 29-4-1947.

A copy of the Collector's letter Reference A1-7482/46 dated 9-4-1947 is submitted.

for Secretary.

PVV.30.4.

Copy of letter No.A1-7482/46 dated 9-4-47 from the Collector of South Kanara to the Secretary to the Board of Revenue, Madras.

Sub:- ENCROACHMENT - Land - (South Kanara) - Mangalore Taluk - Iddya village - S.Nos.82/A1 C3 and 182/8A1 - A.W. (Foreshore lands) - Eviction - Probable date of inspection - Requested.
Ref:- Board's Ref.B.2925/46-1, dated 25-7-46.
Government Memo.No.3872-F/46-2, Revenue, dated 16-1-47.

I invite a reference to the Government Memorandum cited above, in which it was ordered that the Encroachment might be allowed to stand until final orders are passed on the petition of Sri Padmanabhaya after inspection by the Hon'ble Minister for Revenue during his next visit to this District. I solicit the favour of instruction whether the Hon'ble Minister is likely to inspect the land and if so the probable date of his visit to the District may be intimated.

(Sd) x x
for Collector.

/True copy/

for Secretary.

PVV.20.4.

Revenue Dept.

Memo. No. 3872-F/46-3 dated 10-5-47

Encroachment - Land - (S. Kanara, Mangalore Tk - Eddyadge - S. Nos 82/A1 Cs. 3 and 182/8A1 A. W. (Foreshore lands) - Eviction - Date of Inspection - From the Bd. of Rev Ref n. 2925/4 dated 18-4-47

The Board of Rev is informed that the Hon. minister for Land Revenue will inspect the place during his visit to the district in July 47

The Bd of Rev.
Copy to the Collr. of

D.O. Board of Revenue, Madras,
Dated the 4th Octr: 1948.

56950

My dear Venkateswara Ayyar,

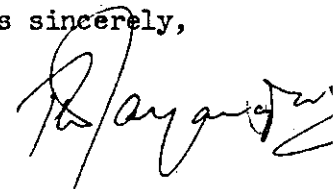
Subject:—Encroachment - Land - (South Kanara) - Mangalore taluk - Iddaya village - S.Nos. 82/A1 G3 and 182/8A 1 AW (Foreshore lands) - Eviction.

I am to invite your reference to Viswanatha Ayyar's D.O. 3872-F/46-4 dated 29-9-1947. This matter has been pending local inspection by the Hon'ble Revenue Minister. Orders for the eviction of the petitioner were passed so long ago as June 1936 and the petitioner even failed in a Civil Suit against the Government. I am to say that the Board respectfully requests that Government may be pleased to bear these facts in mind and consider disposing of the matter at an early date. I am to suggest that, if the Government so desire, a Board Member would inspect the land on behalf of the Government. Mr. Ranganathan is likely to be in Mangalore in the 3rd week in October. Any further delay in the disposal of this matter is likely to render eviction, if so ordered, difficult. The encroachments are over 25 and 18 years old and any further delay would prejudice the petitioner as well as the Revenue Authorities. The Board considers that an early

decision

decision should be taken once and for all on this question, which it is submitted, is really a simple one.

Yours sincerely,



To

G. Venkateswara Ayyar Esq., O.B.E., I.C.S.,
Secretary to Government,
Revenue Department.

Rev. Deptt.

D. O. No. 3872 FE/46- dated 20.10.46

My dear Jayarajan

Encl. Land-(S. Kanara)- Mangalore Taluk - Iddaya village - S. Nos. 82/A1 C3 & 182/8A-1 A.W. (foreshore lands). Eviction.

Ref: Board's Ref. B. No. 2925/46-3 dt 11-10-46 & your D. O. dt 14.10.46 to Mr. Venkatarama Aiyar.

I am to state that the Govt. ~~have decided to~~ agree that Mr. S. Ranganathan, Member, Bd of Rev. may inspect the encroachment of Sri E. Padmanabha Raja, in S. Nos. 82/A1C3 & 182/8A1. A.W. (foreshore lands) of Iddaya village, Mangalore taluk S. Kanara dt., ~~on the date fixed~~ PTV, ~~Mr. Ranga-~~ ~~may accordingly inspect~~

91
20.10.

Rj 1-2 cf
Pp 11-12 cf

14

~~to place~~ ensure during his/tour of the S. Kanara
Dt. and /submit his report to the Govt
as to whether the encroachment is really objectionable and whether it
~~in the matter as early as possible.~~ hinders the fishermen
from pursuing their
avocation.

2. The records submitted with the Board's Reference quoted above are enclosed ~~herewith~~ for reference & ~~resubmitted~~ return

Y. F.

Dept with records
20.10.15 AM.

To P. M. Jayarajan Esq.,
Bar. at. Law., I.C.
Secretary,
Bd. of Rev.
(with records)

REVENUE DEPARTMENT

Subject.

ENCROACHMENT - Land (South Kanara) - Mangalore Taluk - Iddaya Village - S.No.82/A1.G.3 and 182/8A - A.W.Foreshore lands - Eviction - Petition from Padmanabhaya - Report - Submitted.

Ref.B.2925/46-6

Station: Madras. Dated 2-11-1948.

From

B.M.Jayarajan,Esq., Bar-at-law., I.C.S.,
Secretary, Board of Revenue, Madras.

—

S. Ranganathan,Esq., O.B.E., I.C.S.,
Commissioner of Land Revenue & Commercial Taxes.

—

Read:-

Government Revenue Department Endorsement 3872.F/46-1 d/16-7-1946.
" " " " 3872.F/46-2 d/16-1-1947.
Government Revenue Department D.O.3872.FE/46 dated 20-10-1948.

REFERENCE.

1. The Commissioner of Land Revenue inspected the encroachments on 23-10-1948 along with the Collector, Tahsildar and Revenue Inspector. The Village officers and most of the encroachers were also present.

2. Comparing the state of affairs existing to day with those in 1936 - Vide sketch in the Collector's file D.Dis.2679/35 and the sketch now prepared there has been a progressive tendency to grab the land and push the occupation more and more to the foreshore. It is necessary to cry a halt but as the encroachers have spent considerable amount of money in the reclamation of these lands, planting them with casurina and cocoanuts, the Board does not consider that all the encroachments should be evicted and that the encroachments in S.No.82 should all be assigned to the existing encroachers. All the encroachments in S.No.182 i.e to the west of line 'A - B' in the sketch enclosed should be evicted. This will not cause any handship as the casuarina are all either marketable or are capable of removal and retransplantation. In the case of yielding cocoanuts but filling west of the line 'A-B', tree pattas may be issued to the persons who planted them. All other encroachments should be removed. The Collector may be asked to take effective steps to book the encroachments and take possession of the land forthwith. The Board adds that thisssatisfies the people of the locality.

for SECRETARY

To

The Secretary to Government
Revenue Department with records as per list and a sketch.

List.

1. E.C.70/46 and 39/54 of the Taluk Office, Mangalore
2. Huzur files W.Dis. 106/46 and 4827/37, 2956/46.
3. D.Dis.2679/35.
4. B.P.Rt.2295 dated 30-4-46.
5. B.P.Rt.1702, dated 27-4-1938.

RVK/3-11

pp 3-4 CF
(C.No. 8872 FE(Lb) W 18/1
p15 CF
issue, docket & return

From the Bd. of Rev. Ref. B. No. 2925/Leb. 3 & 11. Web

From the Bd. of Rev. Ref. B., No 2925/46. 6 & 24. 48.

G.O. Ms. No. 104 Dt 17.1.49.

The Govt. agree with the Bd. of Rev. and direct that the encroachments in S. No. 82 of Idaya village, Mangalore taluk, S. Kanara district should be ~~cancelled~~ assigned to the existing encroachers and that all the encroachments in S. No 182, that is, to the west of the line 'A' — 'B' in the sketch enclosed with the B.P. quoted above, should be evicted. In the case of yielding coconuts in the ~~land~~

112/17.1

(9)
p. 15 CF

to encroachments ordered to be evicted, tree pattas should be issued to the persons who planted them.

2/ The Coll. of S. Kanara is requested to take effective steps to remove the encroachments & take possession of the lands forthwith.

3/ Sri D. Padmanabhayya is informed that the Coll. of S. Kanara has been directed to issue orders on his petition to the Hon'ble Minister for Revenue on 1.7.66.

sd/-
for Secy.

10/7/66

Mr 1-2-67 received
Petitioner present
Case called
Heard
Orders reserved

To the Petitioner
(with records)
To the Coll. of S. Kanara
To Sri D. Padmanabhayya
Sunatkal P.O.
Karwar Tk.
(para 3 only)

Action taken for cancellation before dispatch

REVENUE DEPARTMENT.

Subject:

ASSIGNMENT Land (South Kanara) Mangalore Taluk - Iddaya village - S.Nos.82 - 128(portions) encroached portions - collection of site value instruc

Ref.B.9261/50-1 Station: M a d r a s. Dated th 4th November 1950.

From,

Sri A.F. Mascarenhas, I.A.S., Secretary, Board of Revenue.

Sri W.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

...

Read: G.O.No.104 Revenue, dated 17-1-1949.
From the Collector of South Kanara Ref.No.20822/50.B.5 dated 18-9-50.

REFERENCE:

Submitted to the Government.

2. The Board considers that as the assignments of the plots were made prior to the lifting of the ban on permanent assignment in G.O.Ms.No.152 Revenue dated 11-6-49 the question whether the proposed assignee is a landless poor person or not does not arise. In the circumstances reported by the Colle the Board recommends that the assignments including that of Sri Padmanabhayy made free of collection of site value.

for SECRETARY.

To

The Secretary to the Government, Revenue Department with the connected records as per list. Collector's D.Dis.106/48; D.Dis.2956/46; D.Dis.7 do. 15042/48 and Two files of 140 and 92

PLG/6/11.

Ref.No.20822-50-B5. South Kanara Collector's Offic
Mangalore, dated: 10- 9- 1950.

From

Janab Syed Ahmed, B. Sc.(Hons.),
Collector of South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, MADRAS -5.

(IN DUPLICATE)

S i r,

ASSIGNMENT - Land - Mangalore Taluk - Iddya Village - S.N 82 and 128 (portions) - Encroached portions - Collection site value - Instructions.

S.Nos.82 and 102 of Iddya Village, Mangalore Taluk, stand registered as assessed waste (fore-shore land) in the revenue records and lie within 5 chains from the highwater mark of the sea. There were some outstanding encroachments on portions of this land. The details of the encroachment, their age, cost, e can be found at pages 2 and 3 (n.f.) of this office file D.Dis. No.106/46 enclosed. Though the encroachments were found unobj -tionable, the Fisheries Department objected to their continuan and therefore, eviction proceedings were instituted. The part went on appeal to Government against the eviction orders. The Board member inspected the encroachments on 23-10-1948 and on t recommendations made by the Board of Revenue, the Government ir G.O.No.104 Revenue dated 17-1-1949 ordered that the encroachmer in S.No.82 should be assigned to the existing encroachers and t all the encroachments in S.No.102, i.e., to the west of the li A - B in the sketch at page 26 of the records of E.C. 4/1359 o the Taluk Office, Mangalore should be evicted. It was also o that in the case of yielding coconut trees, tree-pattas should issued to the persons who planted them. The Tahsildar, Mangal was therefore directed in this office Ref.No.15642-48-A1 dated 20-1-1949 to take further action in the matter.

2. The Tahsildar, Mangalore, now reports that all the encro -ments which are to the west of the line A-B in the sketch, i. in S.No.102 have been removed by the encroachers themselves an the plots were taken possession of on behalf of the Government the Revenue Inspector on 7-5-1949, that tree-pattas have been granted in respect of all coconut trees in the encroached plot in S.No.102 to the respective encroachers, that as regards the plots ordered to be assigned to the respective encroachers, a site value of Rs 200/- per acre was proposed to be levied and t the encroachers however are not willing to pay any site value they request that the plots may be assigned to them free of si value on the ground that the encroached plots contains valuabl encroachments effected by them. The Tahsildar adds that all encroachers except Sri Padmanabhayya, are reported to be poor, that Sri Padmanabhayya owns 7.67 acres of wet and 1.86 acres o garden lands; and hence, he is not entitled to the assignment the land free of site value. He however adds that in view of fact that the encroachments are old ones containing considerab improvements made by the encroachers themselves and also in vi of the fact that the encroachers have spent a good deal of amo on the encroached plots, all these plots may be assigned to th respective encroachers free of site value. The Revenue Divis Officer, Mangalore has supported the Tahsildar's recommendatio

3. The assignment in this case was originally ordered by Go -ment and in the said order the question of collection of site or otherwise has not been mentioned. I solicit instructions to whether the encroached plots in this case may be assigned t

the respective encroachers, free of site-value.

The connected (P) records of enquiry containing 140 and 92 pages respectively, with the records of this office files -- D.Dis.No.106/46, D.Dis.No.2956/46, D.Dis.No.7482/46 and D.Dis. No.15642/48 are enclosed for perusal and return.

Yours faithfully,

20.9.50

For Collector.

33/19-9.
Compd.

ND dtd 9/26/1950
Collector and Sessions

Encroachment - Land (Sante Kanara) Mangalore taluk, Iddaya village, SN 82/A1 C3 and 182/8A - Foreshore land Eviction - Grders = Assignment of certain portions free of market value.
Co. Ms. No. 104 Rev of 17/1/51.
From the Bd of Rev refee B. 9261/50-1 dat 4/11/50.

In the circumstances repor the Govt. accept the recommendation the Bd of Rev and direct that the assignments ordered in the Co. quoted above include that of Sri Padmanabayya be made free of ~~collection of Nitsarbe~~ market value

Jo/the Bd of Rev with. (ZR)

encls.
DD No. 106/48, DD No. 2956/48 & 23/12/50.
DD No. 7482/48, DD No. 8564/48
and the 11 a.m. 4 and 9 bills

26/12/50

F.no 3872F/46] Encroachment - Kaud - (South Kanara) - Mangalore Taluk - Uddya village - S.no 82/A1.C.3 and 182/A.W. (Foreshore lands) - Eviction - Petition.

Petition from Sri E. Padmanabhayya & 1-7. From the Board of Rev. Mysore No. B. 2925/46-38/11.

Read:

Please see the petition on pp. 1-2 cf. the G.O.M.S. (Rev.) on p. 1 cf. and the Board's Reference thereon pp. 3-4 cf.

2. For a brief summary of the previous facts of the case in this file, attention is invited to the notes on p. 3-N/p of B.P. No. 2895 & 30.4.46. A clear sketch showing the encroached portions is at p. 45 cf. of Taluk file at (N) and it may be seen. A sketch can also be seen at p. 13 of (S).

Against the orders of the Collector of S. Kanara dismissing the appeal for the second time of the encroachers, and the petitioner, one of the encroachers filed a revision petition to the Board of Revenue on 26.2.46. The Board considered the merits of the case and rejected the petition with proceedings in B.P. No. 2895 & 30.4.46.

3. The present petition at pp. 1-2 cf. of Sri E. Padmanabhayya is only against the Board's orders referred to above. The petitioner requests the Govt. to assign the encroached plots to the respective encroachers on reasonable site value.

4. The encroachments in question are stated to be within a distance of 5 chains from the High water mark of the Arabian Sea. Further, the encroachments were held objectionable by the Fisheries Deptt., Madras on the main ground

the encroachments were detrimental to the interests of the fishing community in the village and an hindrance to their fishing operations. — Ref. the letter of the Director of Fisheries in ff. 51-55 Cr. H.m p. 12 ante of (F) of Collr's file at (F). The then Collector found these objections to be weighty and therefore refused ff. 79-80 Cr (F) to assign the lands to the encroachers — ff. see also D.Dis. 2679/35 dt 9-6-36. It also further appears that Sri E. Patwardhanayya's wards upto ff. in para X on p. 78 of (F) the Civil Court also in the matter but did not succeed. The remarks of the Collector and the Board of Revenue on the petition at pp 1-2 Cr are at pp 3-4 Cr. The Board's recommends that the petition deserves no consideration as it contains no new facts

4. In the circumstances stated in para 3 above it is for consideration whether the Board's recommendation at 'A' ante. 4 Cr may be accepted and the petition rejected as ~~Govt's~~ interference in the case does not appear to be called for. Subject to orders ~~approval~~ a draft order is submitted for approval.

Please note (1) the grounds on which the eviction orders have been passed (2) dimensions of the encroachment and whether the site cannot be assigned or leased out with suitable conditions.

26/10

To Mr.

Please see note keep queries above.

(1) These encroachments lie within 5 chains from the high water mark of the sea. They were therefore referred to the Director of Fisheries for remarks ff. 35-41 of (F) under BSO 15-35 (IX). The Director of Fisheries who inspected the encroachments, raised objections to their assignment to the respective encroachers on the grounds mentioned by him in para (3) of his

letter on pp 52-53 C of C whereas pp 54 (F) of
H79.2014 (F) the Collector of S. Kanara held the view that
objections of the Director were wrong and he
[illegible] therefore to fall, and
for the existing encroachments within
H79.2014 (F) D.No. 2879/35 of 9.6.36 -
(2) the dimensions of the encroachments
are given in Col. (3) of the statement on p 54-55 C of C of the Taluk file at (N) and it may
be perused
(3) the encroachments are under B.So 15-350
on p.52 of BSO Vol. I (AT MITCH) lands at the disposal of the Govt within one
furlong of the high water mark of the sea and
be leased out on the prohibitive
Order Book. As the above encroachments in
this Case are stated to lie within 5 chains
from the high water mark of the sea they
are prima facie objectionable and cannot
be assigned to the encroachers -
5 ad. The question whether the lands in
question could be leased was discussed
before - please see notes at pp 5-7 ante
of collr's D.No. 4827/37 of 3-12-1937. It
was considered that in this case the
grant of leases would not solve the
difficulty once for all but would only
postpone it & hence the idea of
leasing was dropped
In his petn at p 10-6, the
petr states that none of the officers
of the B.S. & Fisheries & the
Director of Fisheries inspected the site
prior to report on pp 51-52 C of C of (F)
The Taluk also appears to have
inspected - pp 73-76 C of C of (F) - but he

did not venture to give any decisive opinion as the Fisheries Dept. ... was competent to give an opinion in the matter. (Mn.73-74 of 7(F)). His report on the whole showed a leaning in the side of the encroachers.

In view of the fact that ... eviction of these old occupants would result in hardship and also that the assignments made in these cases are contrial, it is for consideration whether the Coll. or the R.D.O. may be directed to make an inspection of the sites in question and after submit a report thereafter on the advisability or otherwise of assigning the sites in question

Summarising Note.

The names of the encroachers and the extents of the lands under encroachment etc are given in the statement on pp 49-51 C. of the Taluk file at (N) and it may kindly be perused.

Objections of the Director of Fisheries to the assignment of the encroachments:-

The Director of Fisheries who inspected these encroachments has raised the following objections:-

(1) The most important fishing net of the village is the large shore seine (Ramjini) which requires a wide foreshore for its proper use.

The width of the foreshore at the widest point is only 330 links or about 72 yards and at other places it is still narrower. Besides the ordinary net making and mending, net drying, beaching and repairing of boats and

Mr. Gawne proposed to inspect the encroachments but could not do so because of transfer. Mr. Humayun did not inspect as he considered the objections as weighty and could not be overlooked.

other avocatious of fishermen, the operations of the "Rampini" requires the greatest available width of foreshore as ordinarily a "Rampini" net measures about 600 yards in length and to the free ends (wings) of the seine net are attached long warps.

Besides 50 to 60 fishermen who operate the net, a variable number participate in hauling the net ashore. the warps and net are pulled at right angles to the shore practically the entire width of the foreshore land is sure to be fully occupied.

(2) The only available shore, well suited for fishing operations in Iddya Village, is the shore line (3000 feet of the length) from plot 182/2 in the north to the limits of the Hosabetta village in the South and it is here that the encroachments are detrimental to the fishing industry, and

(3) All the encroachments if assigned will hinder the fishing operations and will amount to favouring a few encroachers to the detriment of the whole legitimate fishing communities of the village, and

(4) though the encroachments have existed for some years, there have been no complaints from fishermen because the encroachers, knowing they had no right to the land, have not excluded the use of the land by the fishermen whenever necessary. But if the encroachments are assigned to them, they may legitimately prevent these fishermen from using the land and thus it would prove detrimental to the fishing industry.

3. The encroachments have to be dealt with under B.S.O. 15-35 (ix) read with B.S.O. 15-[illegible]).

The file may be sent to H.M.(Revenue) for [illegible]. H.M.(Revenue) can inspect the encroachments if deemed fit otherwise the Collector can be asked to inspect them.

regards objection at X we can impose a condition allowing right of passage and entry through the encroached lands to the fishermen. The site has bee inspected with a view to find out whether the encroachments impede the use of these lands for purpose of drying fish or nets, whether the ~~the~~ remaining length of the foreshore lands in the towns has been blocked up and is not suitable for the purpose etc

R Hogan, U-S Revenue
4/11/46

J. S.

Onthe papers available, the encroachment ~~is objectionable~~ ~~and~~ which has a long history is objectionable The petition may therefore be rejected unless H.M (Rev) thinks that a local inspection is necessary. If so it is for orders whether the C.S.V may be asked to inspect

8/13/46

H.M (Rev)

It is unfortunate that this comes to me after my visit to D.K not before. I was there between 6th & 15th & I could have easily seen this place. Even now I do not like to oust 30 families (nearly) with ~~their~~ residences & boats which have stood for abt 25 years. Some are at one end of the D.K. to the other on the foreshore. These are fishermen living. Their houses are situated about all along. There is no town at this place as is wh- to at A above. For 25 yrs atleast these people have lived; many of them are fishermen themselves. Indeed I am informed even the abo of 20, 25 yrs are correct & not more. For often the Kannans put down ays to cover the cost of replacing a The case of the spreading of the net & want of space for it etc seems to me to show there are some vested interests. These people if evicted will have no other place to go to ~~Private~~ That is more important than the profits of the

---cast owners. Even these latter have gone on so long without let or hindrance. For this I would like to know if this 5 Chain rule is in operation only at this particular spot or elsewhere on the same foreshore. The matter of enriching these families is humane than of mere interest or of the profits of the Ramjini net owners. I would therefore like to see this for myself before I can over an eviction of encroachments which have stood for so long inconvenient to go here again. I shall try if I can do it when I go to Malabar. Till then this may rain I may be reminded of it then

K.R.K

23/4/46

To U.S.

The minutes of H.M.(Rev) on pages 6-7 above.

X of H.M's minutes above:- The orders have been noted.

Z of H.M's minutes above:- Perusal is requested of B.S.O.15(~~viii~~ IX). Under this B.S.O. all lands at the disposal of the Government within one furlong (10 chains) off the high water-mark of the sea should be reserved and entered in the Prohibitive Order Book, and no Collector should assign such land without the previous permission of the Board of Rev.

CR 175 A.L. 52 A.L.-0129 -0/0 (1)

K/29-X-46 & 30-11-46

21.1.46 J.S.

26/10/46

H.M. I would like to see the place myself. Till then let the encht. stand. K.R.K.

Please see the minute of H.N.C p 7 above. A draft memo is submitted approval.

11.1.49

164

[Issued as Memo no. 3872 Rev - 2 dated 16-1-47]
[From Secy of Rev Bd. No. 2925/46-4 S. 18.4.47]
[P.C of T.N. dated from HD Bd. dated 29.6.46]

Please see the memo on p 5 c/f and refer from ~~the Board on p 6 c/f~~ + Coch + Board on Mn 6 + 9 c.

2. The Summarising note from above and the minute of late HRE (Rev) pp 6-7 above may be read. The HRE (Rev) desired to inspect the place during his visit to the S. Kanara. The place has not been visited by him. The file may be circulated to HRE (L.R.) for orders whether he will inspect the place and if so when.

[illegible] will visit the place on the 8th July.

US.

Orders above. With reference to the 2nd ference on p 6 c/f a draft on is submitted for approval.

9/5/47

10-5-47

ons.

Please See the minutes of HM (L.R) on p.8 above. The date of H.C.'s visit to S. Kanara is not known. The P.C. of HM (L.R) may be asked to intimate the date of inspection in advance. A draft u.o. note is submitted for approval.

8/7/67

Supdt will make a list of Dts when personal inspections by HM are pending & will make a reference to this whenever HM's tour programme is fixed. No u.o. note is necy

8.7.67)

HM's U.O. No. dt. 4.10.67 from the Secretary, Board of Rev.

U.O. dt. 4.10.67.

To A.S.

Please see the notes from p.4 ante and the D.O. quotes above in the Secretary's remarks thereon.

2.) In the circumstances stated by the Secretary, Board of Rev., it is for orders whether the Board Member (Mr. Ranganathan) may be asked to inspect the encroachment site in question on behalf of Govt.

3) With reference to the remarks of the Secretary, it is submitted that the former HM (Rev.) (Mr. Kavanth) originally was to inspect the site himself, but did not do so. When the file was submitted to the present HM (DR) for approval the proposal

p. 11 C.f.

p. 6-7 ante

6.10.67

~~The file may be circulated to HM (L.R.) for orders.~~

BR
6/10

that the file should continue to L.O. till he visited the South Kamara dk. The file was again circulated to H.M. in June 48, and August 48 for orders as to the date on which H.M. would visit the dk. But H.M. could not fix up a date pending the settlement of the Legislative Assembly programme. Subsequently the Assembly took up the Kamara Abolition Bill & the Consideration of the Bill by the Assembly is not over yet. The file was/is circulated to H.M for orders as to whether in the circumstances explained in the Board Secy's d.o. at pp 11-12 C/F, the proposal to have the site inspected by a Member of the Board will be approved

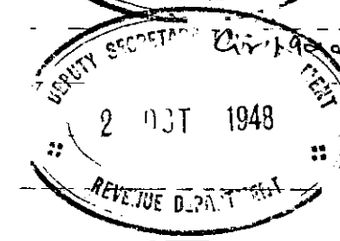
3-10-48 D/S The matter has been pc for recall

19x48

-5/10/48

$ Hm (LR)

D.O. Bd Member to inspect



To H.M. To A.S.

A draft D.O. to the Secy. to Govt. is sent for approval. (The records kept below C/F may also be sent for ref. & return)

20/10/48 - D/S

20/10/48

P.15 C.f.

(From the Bd. of Rev., Ref.B.2925/46-6, d/ 2-11-48.)

To A.S.

Please see the Board's Refce. at p.15 c.f.

P1 C.f

2. The file relates to the ~~s~~esentation of Padmanabhaya, Iddaya village, Mangalore tk., S.Kanara d

3 C.f (A)

against the orders of the ~~Dist~~ C., ~~Mangalore~~ evicting him from his occupation of S.Nos. 82/A.1 C.3 and 182/8A of the village. For a history of the case, please see the Board's Refce. on pp.3-4 C.F. The ~~Board~~ Collector found the

79 C.f. (E)

objection of the Fisheries Deptt. that the assignment o the lands would be detrimental to the fishing community of the village, to be weighty and refused to interfere in the matter. The Board also has reported that the petn. deserves no consideration.

P. 4 C.f. P 1 C.f

3. In July 1946, the petitioner represented to the then H.M.(Rev.), Sri K.R. Karanth, that the place might be inspected by the Hon'ble Minister and then assigned to the encroachers even on site value. The personal inspection was put off by the then H.M. as well as the present H.M. As the matter has been pending for nearly 2 years the Board Member,(Mr. S. Ranganathan) was asked to inspect the site. As a result of the inspection, the Board has now reported that the encroachments in S.No.82 should be assigned to the existing encroacher and that the encroachments to the west of line A-B in the sketch should be evicted. This will clear all encroachments - S.No 182 ~~on the foreshore~~. But in the case of yielding cocoanuts on this portion, the Board recommends that trees pattas may be issued. This arrangement is reported to have satisfied the people of the locality. For orders whether the Collector may be asked to take action accordingly.

13-4 C.f P 15 C.f

(9)

P 15 C.f

1 & d

SRL
15.11.48.

The proposals in para 2 of the Board's report may be accepted.

2. Under these proposals

x Padmanabhaya's enforcements

S NO 182 will be enclosed - These are

covered by Conveyance Deed & enclosure

3. The file may be circulated

from (LR) for orders

Vide

letter at (9)

This seems to be a fair

Solution & may be accepted

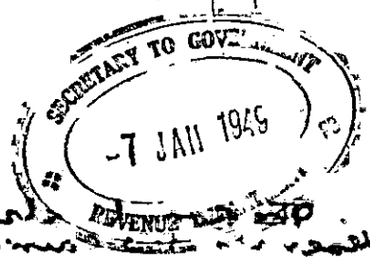
D.S

27/11/48

6/25148

6/1

S/ H.M. (L.R)



O.A.S.

Please see notes from p. 11 ante. A draft order is submitted for approval.

S/L

7/12

Archs

Land (South Kanara) - Mangalore tal
Iddaya village - Sr.Nos 82 and 128/portion
Assignment ordered - collection of site
value - Instructions - Requested
From the Bd of Rev ref. B. 9261/
Q4/11/50.

To U.S.

Please see the Bd's repre a
its encls in the cf.

2. A brief history of the case
is given in para 1 of the coll's letter
D2 cf and may be perused. For the
reasons stated in paras 2 & 3 of his le
the coll has requested instructions whe
the encroached plots in Sr.No. 82 ~~of~~ in
Iddaya village, Mangalore taluk, S. Kan
dt may be assigned to the respective
encroachers free of market value. The
Board of Rev considers, that as the
assignment of the plots was ordered t
be made prior to the lifting of the ban o
assignment in Cir No. 1523 Rev Q 116 Ins,
question whether the proposed assign
a landless poor ~~assignee~~ person or not
does not arise and has recommend
that the assignment including that of
Sri Padmanabayya may be made free o
collection of site value. For orders whet
the Board's recommendation may be accep
Finance may see for remarks befor
circulation.

may be accepted
25/11/50 Ur 27.11.50

20/11/50.

25/11/50 Ur 27.11.50

D. 77046/1501
1 28/11/50

21.11.50

Finance (Accts.) Deptt.

The file deals with the question whether the para 2. to 2 c.f.
ıcroached plots in S.No.82 in Iddaya village, Mangalore
.luk, South Kanara district, may be assigned to the
:spective encroachers free of market value. A brief
.story of the case is given in the Collector's letter
pp.2-3 c.f. The Board of Rev. considers that, as
:e assignment of the plots were made prior to the lifting para 2 p. 1. c.f
the ban on permanent assignment in G.O.Ms.No.1523, Rev.,
ted 11-6-1949, the question whether the proposed assignee
a landless poor person or not, does not arise, and
commends that the assignments including that of Sri Padmanabhayya
y be made free of collection of site value. Rev. propose to p.1 xx
:ept the Board's recommendation. Finance may agree in
view of K at the bottom of page 2 CF
4/1/50
4/12/50 Rev

Please see the note of Finance F.File No 98064 Accts-I
bve. They have accepted the proposal. 4-12-50
The file may be circulated to
HM(LR), HM(Fin) and HCM for orders Rev 822 I 07
on 'X' on page 1

7/12/50 Dis
7.12.50

D.
HM (LR)
HM (Fin)
HCM
11/12
7.12

21 DEC 1950
SECRETARIAT GOVERNMENT
REVENUE DEPARTMENT

Please see the orders in
letter above. A draft memo is

Submitted for approval. After issue of the memo, the papers may be attached with A.S. No. 104/Rev-S/17-1/Up.

23/12/50

26/12/50

28/12/50

Attached